

REMARKS

Summary of the Office Action

Claims 1-10 and 12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 3,958,701 to *Yatagai et al.* ("Yatagai") in view of U.S. Patent No. 4,909,378 to *Webb*.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Summary of the Response to the Office Action

The Final Office Action dated February 13, 2004, has been reviewed and the comments of the U.S. Patent Office have been considered. Applicants have amended claim 1 in order to more particularly point out and distinctively claim Applicants' invention, and have cancelled claims 5 and 6 without prejudice or disclaimer in order to expedite the prosecution of this Application. Claim 11 is rewritten in independent form to include all the features of the base claim and any intervening claims to make the claim allowable as suggested in the Office Action. The dependencies of withdrawn claims 13-17 have also been amended. Claims 18-20 remain withdrawn from consideration. Thus, claims 1-4 and 7-12 remain pending and are respectfully submitted for reconsideration by the Examiner.

All Claims Recite Allowable Subject Matter*Rejection Under 35 U. S.C. § 103(a)—Yatagai in view of Webb*

Claims 1-10 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Yatagai* in view of *Webb*. Applicants traverse this rejection because the Office Action fails to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see *MPEP* §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations. All three criteria must be met to establish obviousness.

Neither *Yatagai* nor *Webb* discloses or suggests “a dry container” as recited in newly amended claim 1. It should be noted that the above-described dry container is a container in which only the opening of the rear portion relevant to the minimum side surface is made a carrying inlet of the article, which is generally held by a large number of those in the art, is cheap and is also easily secured and further is excellent in sealing. Support for these features can be found in Applicants’ specification as originally filed at page 13, lines 15-23.

The object of the invention described in newly amended claim 1 is to efficiently carry an article using a pallet with respect to into and from “a dry container” having a simple structure (whose floor surface is in a planar shape). Support for these features can be found in Applicants’ specification as originally filed at page 1, lines 9-12.

In contrast to this, the object of *Yatagai* is to efficiently carry an article without using a pallet with respect to into and from a container, from the viewpoint of this, both are not common with each other. As a result of this, the invention described in newly amended claim 1 has advantages that a simple and cheap dry container can be used and so forth, however, in *Yatagai*, it is necessary to employ a special container (see FIG. 7 *Yatagai*) having a complex and expensive structure (whose floor surface is in a convexo-concave shape). Moreover, the invention described in newly amended claim 1 has advantages that outside of a dry container, an article can be fixed and released with respect to into and from a pallet, the fixing and releasing works of the article inside of the dry container can be the minimum as required (substantially null) and so forth. Support for these features can be found in Applicants' specification as originally filed at page 8, lines 1-5. In contrast to this, in *Yatagai*, since the pallet is not used, it is necessary to carry out the troublesome fixing and releasing works inside of the container.

The object of *Webb* is to efficiently carry an article using a pallet with respect to into and from a trailer vehicle having a carrying device with a specified structure, from the viewpoint of this, both are not in common with each other. As a result of this, the invention described in newly amended claim 1 has advantages such that a simple and cheap dry container can be used and so forth, however, in *Webb*, it is necessary to employ a complex and expensive trailer vehicle (container).

Neither *Yatagai* nor *Webb* discloses or suggests "a said stage-side displacement means is a lifting/sliding device comprising a sliding member that supports said pallet in such a way as to allow said pallet to move horizontally and a lifting member that lifts said sliding member" and "a container-side displacement means is a lifting/sliding device comprising a sliding member that

supports said pallet in such a way as to allow said pallet to move horizontally and a lifting member that lifts said sliding member” as recited in newly amended claim 1.

In *Yatagai*, a stage-side displacement means (mobile unit 8) consisted of an article holder (cargo holder 13) on which an article is put directly, a lifting member (flexible hose 26) that lifts up and down this article holder and a sliding member (roller 10) that supports this lifting member and rolls and moves on the floor surface has been disclosed. That is, the structure of the stage-side displacement means as recited in newly amended claim 1 and the stage-side viewpoint of this, both are not in common with each other. Moreover, the Office Action states that *Yatagai* does not disclose at least “a container-side displacement means. See page 3, lines 3-4 of the Office Action. As a result of this, the invention described in newly amended claim 1 has advantages that upon carrying an article, there is no need to displace the displacement means itself and so forth. However, in *Yatagai*, there is a need to displace the displacement means itself having a comparatively heavy weight when the article is carried. Moreover, as well as the above-mentioned, in *Yatagai*, it is necessary to employ a complex and expensive container.

In *Webb*, a container-side displacement means (sink conveyor 9) consisted of a sliding member (roller 10) that supports said pallet in such a way as to allow said pallet to move horizontally and a lifting member (inflatable device 12a) that lifts said sliding member has been disclosed. However, this container-side displacement means is established on a floor of a container. As a result of this, as well as the above-mentioned, in *Webb*, it is necessary to employ a complex and expensive trailer vehicle (container). Moreover, *Webb* does not disclose at least “at stage-side displacement means”.

Method claim 12 was rewritten in independent form. Additionally, withdrawn claims 13-17 were amended to correct their dependencies as well as to put the claims in proper U.S.

patent format. Applicants respectfully submit that claims 1-8 and 11-17 are generic claims that do not recite the specific features in the embodiments for the species identified in the Office Action. Applicants respectfully request that, insofar as claim 12 is allowable, claims 13-17 be rejoined to this application and also allowed.

CONCLUSION


In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the prompt allowance of pending claims 1-4 and 7-17. Applicants invite the Examiner to contact Applicants' undersigned representative if there are any issues that can be resolved via telephone conference.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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